

SECOND REGULAR SESSION

SENATE BILL NO. 826

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BARTLE.

Pre-filed December 1, 2003, and ordered printed.

TERRY L. SPIELER, Secretary.

2805S.011

AN ACT

To repeal sections 302.060 and 302.171, RSMo, and to enact in lieu thereof three new sections relating to drivers' licenses, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 302.060 and 302.171, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 302.060, 302.061, and 302.171, to read as follows:

302.060. The director shall not issue any license and shall immediately deny any driving privilege:

(1) To any person who is under the age of eighteen years, if such person operates a motor vehicle in the transportation of persons or property as classified in section 302.015;

(2) To any person who is under the age of sixteen years, **or to any person who is under eighteen years of age who fails to meet the qualifications of section 302.061,** except as [hereinafter] provided **by this section;**

(3) To any person whose license has been suspended, during such suspension, or to any person whose license has been revoked, until the expiration of one year after such license was revoked;

(4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;

(5) To any person who has previously been adjudged to be incapacitated and who at the time of application has not been restored to partial capacity;

(6) To any person who, when required by this law to take an examination, has failed

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

to pass such examination;

(7) To any person who has an unsatisfied judgment against such person, as defined in chapter 303, RSMo, until such judgment has been satisfied or the financial responsibility of such person, as defined in section 303.120, RSMo, has been established;

(8) To any person whose application shows that the person has been convicted within one year prior to such application of violating the laws of this state relating to failure to stop after an accident and to disclose the person's identity or driving a motor vehicle without the owner's consent;

(9) To any person who has been convicted more than twice of violating state law, or a county or municipal ordinance where the judge in such cases was an attorney and the defendant was represented by or waived the right to an attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten years from the date of conviction of the last offense of violating such law or ordinance relating to driving while intoxicated, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction. If the court finds that the petitioner has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding ten years and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court may order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540. No person may obtain a license pursuant to the provisions of this subdivision through court action more than one time;

(10) To any person who has been convicted twice within a five-year period of violating state law, or a county or municipal ordinance where the judge in such cases was an attorney and the defendant was represented by or waived the right to an attorney in writing, of driving while intoxicated, or who has been convicted of the crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition. The director shall not issue a license to such person for five years from the date such person was convicted for involuntary manslaughter while operating a motor vehicle in an intoxicated condition or for driving while intoxicated for the second time. Any person who has been denied a license for two convictions of driving while intoxicated prior to July 27, 1989, shall have the person's license issued, upon application, unless the two convictions occurred within a five-year period, in which case, no license shall be issued to the person for five years from the date of the second conviction;

(11) To any person who is otherwise disqualified pursuant to the provisions of sections 302.010 to 302.780, chapter 303, RSMo, or section 544.046, RSMo;

(12) To any person who is under the age of eighteen years, if such person's parents or legal guardians file a certified document with the department of revenue stating that the

director shall not issue such person a driver's license. Each document filed by the person's parents or legal guardians shall be made upon a form furnished by the director and shall include identifying information of the person for whom the parents or legal guardians are denying the driver's license. The document shall also contain identifying information of the person's parents or legal guardians. The document shall be certified by the parents or legal guardians to be true and correct. This provision shall not apply to any person who is legally emancipated. The parents or legal guardians may later file an additional document with the department of revenue which reinstates the person's ability to receive a driver's license.

302.061. 1. Beginning August 28, 2004, in addition to the requirements of section 302.171, the director shall require any applicant for an operator's license or a temporary permit issued pursuant to section 302.130 who is fifteen to seventeen years of age to present a diploma or other certificate of graduation issued to such person from an accredited public or any private, parochial, home, or parish high school in this state or any other state, or documentation that the applicant is:

(1) Currently enrolled and making satisfactory progress in accordance with school district policy in and regularly attending a public high school in this or any other state and shall have earned a minimum of 2.25 units of credit the preceding semester of attendance or shall be enrolled and making satisfactory progress in accordance with school district policy in an alternative curriculum designed by the state board of education which places an emphasis on vocational education and job training for students who are at risk of not completing the required curriculum or be enrolled and progressing in accordance with school district policy in a full course at the applicant's level in a special education program for the handicapped approved by the department of elementary and secondary education which, though ungraded, enrolls pupils of equivalent age; or

(2) Enrolled in a secondary private school or a home school program; or

(3) Enrolled and making satisfactory progress in a state-approved course leading to a certificate of high school equivalence or has obtained such certificate.

2. The superintendent of schools, or in the case of nonpublic schools, the chief administrative official, or in the case of a home school, the parent, shall provide verification of enrollment status on a form provided by the department of revenue to any student fifteen to seventeen years of age upon request for presentation to the department of revenue on application for or reinstatement of an operator's license or temporary permit. Such verification of enrollment status shall include: the student's name, date of birth, address, the date of the verification, and signature of the superintendent, the chief administrative official, or the parent, which verifies that the student is enrolled in one of the programs

listed in subsection 1 of this section. Whenever a student between the age of fifteen to seventeen years of age withdraws from school, or whenever a student between such ages fails to maintain satisfactory academic progress based on end of semester grading, except as provided in subsection 4 of this section, the superintendent, or in the case of nonpublic schools, the chief administrative official, shall notify the department of revenue within thirty days of such withdrawal or failure to maintain satisfactory academic progress. If a child fifteen to seventeen years of age withdraws from a home school program, the parent shall notify the department of revenue within thirty days of such withdrawal. Within five days of the receipt of such notice, the department of revenue shall send notice to the licensee that the license will be suspended on the thirtieth day after notice is mailed to the licensee by the department, unless the licensee sends documentation of compliance with the provisions of this section to the department within the thirty-day period. The department may charge a reinstatement fee in accordance with the provisions of section 302.304.

3. For the purposes of this section, the term "withdrawal" means ten or more consecutive or fifteen total days of unexcused absences in a single semester or means missing five or more consecutive sessions in a course leading to a certificate of high school equivalence due to unexcused absences. The determination of unexcused absences shall be made by the superintendent or chief administrative official of the school or the parent in the case of a home school. For purposes of this section, failure to maintain satisfactory academic progress means that the student has failed to maintain a cumulative grade point average equal to or above 1.75 on a 4.0 scale. A student who fails to maintain satisfactory academic progress based on end of semester grading may not be considered as being in compliance with this section until such student raises his or her cumulative grade point average to 1.75 or above at the conclusion of any subsequent grading period.

4. Whenever the withdrawal from school or failure to enroll in a course leading to a certificate of high school equivalence is for the purpose of transferring to another school or program, which is confirmed in writing by the student's parent or guardian within five days of such transfer, no such notice need be sent to the department of revenue in order to suspend the student's operator's license. In addition, any person who is an emancipated minor, as defined in section 302.171, who does not meet the qualifications prescribed by subsection 1 of this section may request the school board of the school district in which such person resides to grant a waiver from the requirements of this section and such waiver shall be granted if the school board determines that having a license to operate a motor vehicle is in the best interests of that person.

5. Any person who knowingly submits false information to the department pursuant to the provisions of this section is guilty of a class C misdemeanor.

302.171. 1. Application for a license shall be made upon an approved form furnished by the director. Every application shall state the full name, Social Security number, age, height, weight, color of eyes, sex, residence, mailing address of the applicant, and the classification for which the applicant has been licensed, and, if so, when and by what state, and whether or not such license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension, revocation or disqualification and whether the applicant is making a one dollar donation to promote an organ donation program as prescribed in subsection 2 of this section. The application shall also contain such information as the director may require to enable the director to determine the applicant's qualification for driving a motor vehicle; and shall state whether or not the applicant has been convicted in this or any other state for violating the laws of this or any other state or any ordinance of any municipality, relating to driving without a license, careless driving, or driving while intoxicated, or failing to stop after an accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's consent. The application shall contain a certification by the applicant as to the truth of the facts stated therein. Every person who applies for a license to operate a motor vehicle who is less than twenty-one years of age shall be provided with educational materials relating to the hazards of driving while intoxicated, including information on penalties imposed by law for violation of the intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than eighteen years of age, the applicant must comply with all requirements for the issuance of an intermediate driver's license pursuant to section 302.178.

2. An applicant for a license may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund established in sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall make available an informational booklet or other informational sources on the importance of organ donations to applicants for licensure as designed by the organ donation advisory committee established in sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection and whether the applicant is interested in inclusion in the organ donor registry and shall also specifically inform the licensee of the ability to consent to organ donation by

completing the form on the reverse of the license that the applicant will receive in the manner prescribed by subsection 6 of section 194.240, RSMo. The director shall notify the department of health and senior services of information obtained from applicants who indicate to the director that they are interested in registry participation, and the department of health and senior services shall enter the complete name, address, date of birth, race, gender and a unique personal identifier in the registry established in subsection 1 of section 194.304, RSMo.

3. An applicant for a license may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 192.935, RSMo. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section 192.935, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

4. An applicant who is less than eighteen years of age and is not an emancipated minor shall meet the requirements of section 302.061 in order to receive a license issued pursuant to this chapter. As used in this section, the term "emancipated minor" is a person who is at least sixteen years of age, but less than eighteen years of age, who marries, enters active duty in the armed forces, or who the custodial parent or legal guardian has relinquished from parental control by express or implied consent, and who through employment or other means provides for such person's own food, shelter, and other cost-of-living expenses.

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